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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/755,730

Applicant(s)

TROIBNER ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-13-2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,466,251.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, claim 1 of the present application is an obvious variation of claim 1 of U.S. Patent No. 6,466,251.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C 102(e) as being anticipated by Awazu (US PAT: 5,987,009, filed 10-29-1996).

Regarding claim 1, Awazu discloses an automatic ISDN switch for connection to ISDN-BRI line, and plurality of N different videoconferencing locations via other lines for automatically switching the at least one ISDN-BRI line to one of other lines corresponding to one videoconferencing location of the plurality of N different videoconferencing locations, comprising: a control unit (304, fig. 3) having a communication circuit, the control circuit for being placed in circuit communication with each of the plurality of N different video conference locations (like 308, fig. 3), the control unit generating location signal corresponding to a particular one videoconferencing location of the plurality of N videoconferencing locations, the communication circuit generating a communication link, through which a user can remotely select which one of the N different videoconferencing locations to which the at least one ISDN-BRI line is to be switched (figs. 3-6, col. 6 lines 26-67, col. 7 lines 1-54), the control unit being capable of auto detecting which one of the N different videoconferencing locations to which at least one ISDN-BRI line is to be switched and the control unit also being capable of accepting via the communication circuit the identity of which one of the N different videoconferencing locations the user has selected at least one ISDN-BRI line is to be switched (col. 8 lines 15-39), a switch bank (305, fig. 3) in circuit communication with the control unit receiving the location signal, for being placed in circuit communication with plurality of different videoconferencing

locations via the other lines, and further for being placed in circuit communications with the at least one ISDN-BRI line, the switch bank automatically switching the at least one ISDN-BRI line to the particular one videoconferencing locations corresponding to the location signal generated by the control unit (figs. 3-7, col. 7 lines 61-67, col. 8 lines 1-67, col. 9 lines 1-46).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awazu in view of Bruno (EP 0817451 A2).

Awazu differs from claim 2 in that he does not specifically teach the following: communication circuit implements a uniform resource locator (URL) and a user can use a web browser to remotely select a URL via the URL which one of N different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank.

However, Bruno discloses network-based multiparty multimedia call set up and directory service which teaches the following: communication circuit implements a uniform resource locator (URL implied as the user accesses web server 20, fig. 1) and a user can use a web browser to remotely select a URL via the URL which one of N

different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank (col. 3, line 24 – col. 4, line 31).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Awazu's system to provide for the following: communication circuit implements a uniform resource locator (URL) and a user can use a web browser to remotely select a URL via the URL which one of N different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank as this arrangement would provide improved techniques for establishing point-to-point and multiparty multimedia calls as taught by Bruno.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awazu in view of Bruno and Altinex product brochure (MX2436RM: 6-in1-out video+audio switcher).

Awazu differs from claim 3 in that he specifically teach the following: communication circuit implements a uniform resource locator (URL) and a user can use a web browser to remotely select a URL via the URL which one of N different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank, where each one of the plurality of N different videoconferencing locations comprises an ISDN receptacle, each one of the plurality of ISDN receptacles for being placed in circuit communication with the control unit via other lines, and wherein the control unit generates the location signal corresponding to the particular one of the N videoconferencing locations responsive to ISDN connector

being inserted into the ISDN receptacle in the particular one videoconferencing locations.

However, Bruno teaches the following: communication circuit implements a uniform resource locator (URL) and a user can use a web browser to remotely select a URL via the URL which one of N different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank (col. 3, line 24 – col. 4, line 31); and Altinex product brochure discloses MX2436RM: 6-in1-out video+audio switcher which teaches the following: the control unit (in switcher) automatically generates, the location signal responsive to connector inserted into receptacle in the particular videoconferencing location (see the product description).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Awazu's system to provide for the following: communication circuit implements a uniform resource locator (URL) and a user can use a web browser to remotely select a URL via the URL which one of N different videoconferencing locations to which at least one ISDN-BRI line is to be switched by the control unit and the switch bank as this arrangement would provide improved techniques for establishing point-to-point and multiparty multimedia calls as taught by Bruno; where each one of the plurality of N different videoconferencing locations comprises an ISDN receptacle, each one of the plurality of ISDN receptacles for being placed in circuit communication with the control unit via other lines, and wherein the control unit generates the location signal corresponding to the particular one of the N videoconferencing locations responsive to ISDN connector being inserted into the ISDN

receptacle in the particular one videoconferencing locations as this arrangement would facilitate the switches to automatically recognize the video/audio unit requiring switching for connecting to the output line as shown in Altinex product brochure MX2436RM: 6-in1-out video+audio switcher, thus providing improved service to users of the audio/video terminals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614